

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

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UNITED STATES OF AMERICA,	United States States Court diagram
Plaintiff,	7 *** 3
v.) CONTINENTAL CHEMISTE CORPORATION)	No. 87 C 10214 Judge George M. Marovich
and KENNETH KASS,)	Doggan and the second of the s
Defendants.)	SEP 23 ₁₉₈₈
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MOTION OF THE UNITED STATES TO REINSTATE CASE AND LODGE CONSENT DECREE

Now comes the United States of America, by its attorney, ANTON R. VALUKAS, United States Attorney for the Northern District of Illinois, and moves this Honorable Court to reinstate the captioned case and for leave to lodge the Consent Decree pursuant to 28 C.F.R. §50.7. In support thereof the United States submits:

- 1. This case is an action under Section 16 of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136, et seq., brought by the United States on November 30, 1987.
- 2. After extensive negotiations, the United States and the defendants agreed to enter into a consent decree resolving the outstanding issues.
- 3. Due to the period of time required to obtain approval of the terms and conditions of the Consent Decree, this Court on May 24, 1988 dismissed the case with leave to reinstate upon completion of the approval process.
- 4. That process has now been completed and the executed Consent Decree is now ripe for lodging with the Court pursuant to 28 C.F.R. §50.7, in order to commence the period of time for publication and public notice required before the Court can enter the Consent Decree.

18

5. Defendants join the United States in moving this Court to reinstate the case and accept the lodging of the Consent Decree.

Respectfully submitted,

ANTON R. VALUKAS United States Attorney

By:

WILLIAM T. CLABAULT
Assistant United States Attorney

219 South Dearborn Street Chicago, Illinois 60604

312/353-5342

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.	} }	No. 87 C 10214 Judge George M. Marovich
CONTINENTAL CHEMISTE CORPORATION and KENNETH KASS,))	Tage Coage III I I I I I I I I I I I I I I I I I

Defendants.

NOTICE OF MOTION

TO:

James J. DeNapoli GARDNER, CARTON & DOUGLAS 321 North Clark Street Chicago, Illinois 60610

PLEASE TAKE NOTICE that on Thursday, September 22, 1988, at 9:30 a.m., or as soon thereafter as counsel may be heard, I will appear before Judge Marovich in the courtroom usually occupied by him in the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, or before such other judge who may be sitting in his place and stead, and then and there present

MOTION OF THE UNITED STATES TO REINSTATE CASE AND LODGE CONSENT DECREE

at which time and place you may appear if you see fit.

ANTON R. VALUKAS United States Attorney

By:

WILLIAM T. CLABAULT Assistant United States Attorney 219 South Dearborn Street Chicago, Illinois 60604

312/353-5342

AFFIDAVIT OF HAND DELIVERY

STATE OF ILLINOIS)	
)	SS
COUNTY OF COOK)	

JANET L. EISENMANN, being first duly sworn on oath deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 19th day of September, 1988, she caused a copy of

NOTICE OF MOTION

MOTION OF THE UNITED STATES TO REINSTATE CASE AND LODGE CONSENT DECREE

to be hand delivered to the following named individual(s) on said date at about the hour of 3:30 p.m.

James J. DeNapoli GARDNER, CARTON & DOUGLAS 321 North Clark Street Chicago, Illinois 60610

SUBSCRIBED AND SWORN TO before me

this 19th day of September, 1988.

My Commission Expires:

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

<u> </u>				<u>. </u>
Case Number	87 C 1	0214	Date	September 22, 1988 / 9:30 a.
Name of Assigned Judge	George M. Ma	rovich	Sitting Judge if Other Than Assigned Judge	
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Title				
		indicate the party filir nature of the motion be		plaintiff, defendant, 3d-party plain
Attorneys for	Plaintiff: ANT	ON R. VALUKAS, I	Jnited States Atto	orney
- 10 m		IAM T. CLABAULT	r, Assistant Unite	d States Attorney (312/353-5
Title of Motio	on: MOTION TO	REINSTATE CASE	AND LODGE CO	NSENT DECREE
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

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UNITED STATES OF AMERICA,) Spir
Plaintiff,)) Civil No. 87 C 10214
CONTINENTAL CHEMISTE CORPORATION and KENNETH KASS,	Hon. Brian B. Duff))
Defendants.	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on Thursday, April 28, 1988, we filed the attached Notice of Substitution of Counsel with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, a copy of which is herewith served upon you.

Respectfully submitted,

By: James & Dilapol

GARDNER, CARTON & DOUGLAS 321 North Clark Street Chicago, IL 60610 (312) 644-3000

\V

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Name of Assigned Judge or Magistrate	BRIAN BARNETT DUFF	Sitting Judge/Mag. If O Than Assigned Judge/M		· · · · · · · · · · · · · · · · · · ·
Case Number	87 C 10214	Date	February 5,	1988
Case Title	USA v. Continenta	l Chemiste		
OTION: [In the plaintiff	following box (a) indicate the party f , and (b) state briefly the nature of th	iling the motion, e.g., p e motion being present	laintiff, defendant, 3d ed]	l-party
OCKET ENTRY:	(The balance of this form	n is reserved for notati	ons by court staff.)	
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

Civil No. 87 C 10214

CONTINENTAL CHEMISTE
CORPORATION and KENNETH
KASS,

Defendants.

Defendants.

NOTICE

To: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Answer and Affirmative Defenses of Continental Chemiste Corporation and Kenneth Kass, a copy of which is attached hereto and is herewith served upon you.

Dated: January 11, 1988.

CONTINENTAL CHEMISTE CORPORATION AND KENNETH KASS

By: One of Their Attorneys

Richard J. Kissel James J. DeNapoli Martin, Craig, Chester & Sonnenschein Suite 1200 55 West Monroe Street Chicago, IL 60603 312-368-9700



SERVICE LIST

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Land and Natural Resources Division
U.S. Department of Justice
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Benjamin Franklin Station
Washington, DC 20044

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Scott Dismukes
Office of Regional Counsel
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Roger J. Marzulla Assistant Attorney General Land and Natural Resources Division U.S. Department of Justice Washington, DC 20530